

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**BARKAN WIRELESS IP HOLDINGS, L.P.,**

**Plaintiff,**

**v.**

**SPRINT COMMUNICATIONS CO., L.P.,  
SPRINT SOLUTIONS, INC., and SPRINT  
SPECTRUM L.P.,**

**Defendants.**

**Civil Action No. 2:19-cv-00336-JRG**

**JURY TRIAL DEMANDED**

**BARKAN'S UNOPPOSED MOTION TO EXCLUDE LEAD ATTORNEY FROM  
PRETRIAL CONFERENCE**

Plaintiff Barkan Wireless IP Holdings, L.P. ("Barkan") hereby requests that its Lead Counsel, Max L. Tribble, Jr., be excused from attending the pretrial conference hearing set for March 9, 2021. Mr. Tribble is set for hearing on a Motion to Compel in *Preston Marshall v Elaine Marshall, et al.*, Cause No. 365,053-404, In Probate Court Number Four (4) of Harris County, Texas, representing the Plaintiff, on the same date. The Harris County Motion to Compel hearing had begun and was in process when the courts were shut down for COVID 19. The Motion to Compel hearing was reset on January 15, 2021.

Mr. Justin Nelson, who is fully knowledgeable about the issues in dispute and who has authority to answer any questions, will attend the *Barkan* Pretrial Conference hearing along with Local Counsel.

DATED: February 25, 2021

Respectfully Submitted,

/s/ Max L. Tribble, Jr.

Max L. Tribble, Jr. – Lead Counsel  
Texas State Bar No. 20213950

Justin Nelson

Texas State Bar No. 24034766

**SUSMAN GODFREY, L.L.P.**

1000 Louisiana Street, Suite 5100

Houston, Texas 77002

Telephone: (713) 651-9366

Facsimile: (713) 654-6666

mtribble@susmangodfrey.com

jnelson@susmangodfrey.com

Matthew R. Berry

Washington State Bar No. 37364

Alexander W. Aiken

Washington State Bar No. 55988

**SUSMAN GODFREY, L.L.P.**

1201 Third Ave., Suite 3800

Seattle, Washington 98101

Telephone: (206) 516-3880

Facsimile: (206) 516-3883

mberry@susmangodfrey.com

aaiken@susmangodfrey.com

William D. O'Connell

New York State Bar No. 5491014

**SUSMAN GODFREY, L.L.P.**

1301 Avenue of the Americas, 32nd Fl.

New York, New York 10019-6023

Telephone: (212) 336-8330

Facsimile: (212) 336-8340

boconnell@susmangodfrey.com

S. Calvin Capshaw

Texas State Bar No. 03783900

Elizabeth DeRieux

Texas State Bar No. 05770585

**CAPSHAW DERIEUX LLP**

114 E. Commerce Ave.

Gladewater, TX 75647

Telephone: (903) 845-5770

ccapshaw@capshawlaw.com

ederieux@capshawlaw.com

Michael F. Heim

Texas State Bar No. 09380923  
Robert A. Bullwinkel  
Texas State Bar No. 24064327  
Blaine A. Larson  
Texas State Bar No. 24083360  
**HEIM, PAYNE & CHORUSH, LLP**  
1111 Bagby St., Suite 2100  
Houston, TX 77002  
Telephone: (713) 221-2000  
Facsimile: (713) 221-2021  
mheim@hpcellp.com  
abullwinkel@hpcellp.com  
blarson@hpcellp.com

T. John Ward, Jr.  
Texas State Bar No. 00794818  
Claire Abernathy Henry  
Texas State Bar No. 24053063  
Andrea L. Fair  
Texas State Bar No. 24078488  
**WARD, SMITH & HILL, PLLC**  
PO Box 1231  
Longview, Texas 75606  
Telephone: (903) 757-6400  
Facsimile: (903) 757-2323  
jw@wsfirm.com  
claire@wsfirm.com

*Attorneys for Plaintiff Barkan Wireless IP  
Holdings, L.P.*

**CERTIFICATE OF CONFERENCE**

I hereby certify that Plaintiff has complied with the meet and confer requirements set forth in Local Rule CV-7(h). Counsel for Barkan met and conferred with counsel for Defendant on February 25, 2021, and counsel for Defendant indicated it is unopposed to the relief sought in this motion.

/s/ William D. O'Connell  
William D. O'Connell